

MINUTES
TIGARD CITY COUNCIL BUSINESS MEETING
February 12, 2002

- STUDY SESSION

Study Session was called to order at 6:30 p.m.

Council members present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:30 p.m. to discuss labor negotiations and pending litigation under ORS 192.660(1d) & (1h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Executive Session concluded at 6:45 p.m.
Council Reconvened into Study Session.

- > Financial Operations Manager Indieke reviewed the Intergovernmental Agreement with Clark County and Clark Public Utilities to provide remittance processing of utility payments. This item is also before the Council for approval on the Consent Agenda for this meeting (See Item No. 3.4).
- > City Engineer Duenas reviewed information from DeHaas & Associates that was distributed to the City Council regarding the 69th Avenue Local Improvement District. (See Item 8)
- > Mayor referred to a letter distributed to the City Council regarding "Washington County System Development Charges – Parks," which was sent to Tom Brian, Chair for the Washington County Board of Commissioners.
- > Council consensus was to support the Mayor's proposal to form a workgroup regarding the Commuter Rail. Councilor Dirksen will be the Council liaison to this workgroup. Discussion followed on the need for planning in the downtown area to accommodate a commuter rail station. Mayor asked for Council to give input with regard to whom should be involved in this planning group.
- > The most recent Tigard Showcase schedule from Tualatin Valley Community Access was distributed to the City Council.

- > Assistant to the City Manager Newton updated Council on the activities of the Youth Forum including the Skateboard Task Force and the pilot after school program.

Study Session concluded: 7:25 p.m.

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
Mayor Griffith called the meeting to order at 7:33 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Report
- 1.5 Call to Council and Staff for Non-Agenda Items

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy presented a report to the City Council. A copy of his written report is on file in the City Recorder's office.
- Jack Polans, 16000 SW Queen Victoria, King City, OR 97224, advised he has been attending Tigard-Tualatin School Board meetings. He noted his concern about drop-out rates and would like to see more preventative efforts made.

3. CONSENT AGENDA:

Councilor Scheckla received clarification on Consent Agenda Item No. 3.7, which would provide partial funding for the completion of the Fanno Creek Trail.

Motion by Councilor Moore, seconded by Councilor Scheckla, to adopt the Consent Agenda as follows:

- 3.1 Approve Council Minutes for November 20, 2001
- 3.2 Receive and File:
 - a. Council & Staff Liaison Appointment Matrix
 - b. Council Calendar
 - c. Tentative Agenda
- 3.3 Appoint Brooks Gaston to the Tree Board – Resolution No. 02 - 08
- 3.4 Approve an Intergovernmental Agreement with Clark County, Washington and Clark Public Utilities for the Receipting of Utility Bill Payments
- 3.5 Adopt the Tigard Police Officer's Association Bargaining Agreement and Authorize the City Manager to Sign the Draft – Resolution No. 02 – 09

- 3.6 Adopt Employer Payment of Employee's Public Employee Retirement System (PERS) Contributions for Tigard Police Officer's Association Sworn Police Officers – Resolution No. 02 - 10
- 3.7 Authorize the City Manager to Submit an Application for a Land and Water Conservation Fund Grant

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

Mayor Griffith combined Items 4, 5 and 6 to recognize service on the following boards and to introduce Brooks Gaston who was appointed to the Tree Board.

4. RECOGNITION OF GARY JOHNSON FOR HIS SERVICE ON THE LIBRARY BOARD
5. RECOGNITION OF DAVID CORY FOR HIS SERVICE ON THE TREE BOARD
6. INTRODUCTION OF BROOKS GASTON AS NEWLY APPOINTED TREE BOARD MEMBER
7. PROGRESS REPORT ON NEW CITY WEB SITE

Network Services Manager Paul DeBruyn and Web Administrator Victor Soares presented the progress report on the City's new website.

8. PUBLIC HEARING TO HEAR OBJECTIONS TO THE PROPOSED ASSESSMENTS FOR THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT
 - a. Mayor Griffith opened the public hearing.
 - b. City Engineer Duenas presented the staff report. He also reviewed the letters received regarding this matter. Mr. Duenas referred a correction on the numbers in the DeHaas report.
 - c. Public Testimony
 - Ed Murphy, Ed Murphy Associates, 9875 SW Murdock, Tigard, 97224, advised he was representing Specht Development. Mr. Murphy referred to

a letter submitted by Specht (on file in the packet materials, which is located in the City Recorder's office). While the project was considered a successful one by Specht, they requested an increase in the City's contribution toward paying the costs associated with the LID. Mr. Murphy distributed a handout entitled "Beveland Right-of-Way Costs."

- Cecil Jones, 12190 SW 69th Avenue, Tigard, OR 97223, noted that his property was one of two residential properties located within the LID area. Mr. Jones noted concerns with the amount of assessment assigned to his property for LID costs, which he believed would also affect the resale value of his property. He reviewed how the construction affected his property. He asked the Council to consider reducing the amount of his assessment by one-half.

Council members discussed Mr. Jones' situation with him and received clarification from City Attorney Ramis about whether the Council would have the ability to reduce Mr. Jones' assessment.

- Tim Roth, 13779 SW Charleston Lane, Tigard, Oregon commended the work by the consultant on this project. While Mr. Roth said he agrees with the assessment methodology, he outlined his concerns with the costs associated with the Beveland extension that he says was added by the City because of the Tigard Triangle Plan. He requested consideration of the proposal to increase the City's contribution as presented in earlier testimony by Mr. Ed. Murphy.
- Ella Snyder, 12170 SW 69th Avenue, Tigard, Oregon, testified noting she a residential property owner within the LID boundaries. She asked that her assessment be lowered and confirmed that a reduction of one-half of the proposed assessment would be a "big help."

Council meeting recessed at 8:55 p.m.

Council meeting reconvened at 9:07 p.m.

- d. Staff recommended that the Council approve the assessment as presented in the staff report and that the LID be closed as soon as possible.
- e. Mayor Griffith closed the public hearing.
- f. There was lengthy Council discussion with concerns noted about the impact of the LID on the residential property owners. In addition comments were made about increasing the City's share of the cost of the LID because of cost overruns and adding the Beveland extension, which is likely to benefit the

commercial properties, but would be of little value for the residential properties. Council members also indicated they would prefer to delete from the total assessment an amount due to the City owed by a property owner (Peirce) in the area as a result of a court decision.

- g. Motion by Councilor Patton, seconded by Councilor Scheckla, to increase the City's share of the LID costs to \$59,941, based on the final assessment figures; and to remove the \$52,500 listed as the "Peirce taking" from the assessment amount of the LID; and to reduce the assessment to the two residential homeowners by 50 percent.

Discussion on the motion: Councilor Moore asked staff to prepare information showing how the above-referenced adjustments to the LID assessment would affect the City budget.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. UPDATE ON THE NEW LIBRARY SITE MASTER PLAN COMMUNITY MEETING

Library Director Barnes presented the staff report, which is on file with the City Recorder.

Discussion followed concerning the number of parking spaces proposed. The number represents the standard required for an institutional building, such as a library.

Note: Item Nos. 10, 11, and 12 were presented as one staff report, with the ordinances considered separately by the City Council as noted below.

10. CONSIDER AN ORDINANCE REPEALING CHAPTER 2.20 OR THE TIGARD MUNICIPAL CODE PERTAINING TO JURY TRIAL

- a. Judge Michael O'Brien presented the staff report, which is on file in the City Recorder's office.
- b. There was brief Council discussion with City Attorney Ramis confirming that he saw no problem with proceeding as proposed by the staff report and proposed ordinance.
- c. Council Consideration:

Motion by Councilor Scheckla, seconded by Councilor Dirksen to adopt Ordinance No. 02-08.

ORDINANCE NO. 02-08 – AN ORDINANCE REPEALING CHAPTER 2.20 (“JURY TRIAL”) OF THE TIGARD MUNICIPAL CODE

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. CONSIDER AN ORDINANCE REPEALING CHAPTER 2.24 OF THE TIGARD MUNICIPAL CODE PERTAINING TO CRIMINAL PROCEDURE

- a. The staff report is on file in the City Recorder’s office.
- b. Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 02-09.

ORDINANCE NO. 02-09 – AN ORDINANCE REPEALING CHAPTER 2.24 (“CRIMINAL PROCEDURE”) OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

12. CONSIDER AN ORDINANCE REPEALING CHAPTER 2.26 OF THE TIGARD MUNICIPAL CODE PERTAINING TO WITNESSES

- a. The staff report is on file in the City Recorder’s office.
- b. Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Ordinance No. 02-10.

ORDINANCE NO. 02-10 – AN ORDINANCE REPEALING CHAPTER 2.26 (“WITNESSES”) OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

13. **CONSIDER AN ORDINANCE AMENDING CHAPTER 2.52 OF THE TIGARD MUNICIPAL CODE PERTAINING TO ABANDONED, FOUND, SEIZED AND STOLEN PROPERTY**

- a. Police Captain Schrader presented the staff report, which is on file in the City Recorder's office.

Captain Schrader noted in section 2.52.030 (attachment 1 to the ordinance), the wording should be "At any time..." instead of "At anywhere..."

- b. Motion by Councilor Moore, seconded by Councilor Scheckla, to adopt Ordinance No. 02-11.

ORDINANCE NO. 02-11 – AN ORDINANCE AMENDING SECTION 2.52.030 AND SUBSECTION 2.52.040 ABANDONED, FOUND, SEIZED AND STOLEN PROPERTY.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

14. **CONSIDER A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED WALL STREET LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT**

- a. Staff report was presented by City Engineer Duenas, which is on file in the City Recorder's office.
- b. Council Consideration:

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-11.

RESOLUTION NO. 02-11 – A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEER’S REPORT FOR THE PROPOSED WALL STREET LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

15. BRIEFING ON THE BULL MOUNTAIN OPEN HOUSE

- a. Planning Manager Barbara Shields reviewed the staff report.
- b. Mayor Griffith referred to the straw vote at the open house asking whether those in attendance supported annexation. After discussion, consensus was that the City should not proceed on this matter if the majority of the residents in the area do not want to annex. There was discussion about the need to determine the level of interest from the area’s residents.

16. CONSIDER RENEWAL OF THE WASHINGTON COUNTY URBAN SERVICES AGREEMENT

- a. Planning Manager Dick Bewersdorff reviewed the staff report, which is on file in the City Recorder’s office.
- b. Councilor Scheckla noted his concern about the County responding to the City’s request for collection of system development charges in the urban services area for Tigard and, since this is not addressed in the agreement, he said that he would possibly vote no.
- c. Motion by Councilor Moore, seconded by Councilor Patton, to renew the Urban Services Agreement, with the updated Agreement to be scheduled for Council review on a March Council agenda.

The motion was approved by a majority vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	No

17. CONSIDER 2002 COUNCIL GOALS

- a. City Manager Monahan presented this agenda item; the goals are contained in the packet material on file in the City Recorder's office.
- b. Motion by Councilor Moore, seconded by Councilor Patton to accept the 2002 Goals as presented in the staff report.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

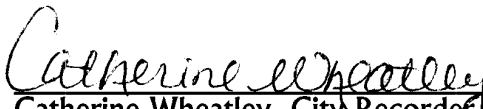
18. COUNCIL LIAISON REPORTS

- a. Councilor Patton updated the Council on the regional drinking water authority, which is moving ahead. Tigard was the only jurisdiction that presented specific conditions. Tigard's preference that distribution systems not be included in the regional drinking water authority was stated; however, Portland wants to include this in the study. It was made clear that Tigard should not be penalized if Tigard did not participate in the distribution system.

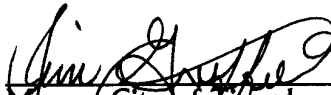
19. NON AGENDA ITEMS: None

20. EXECUTIVE SESSION: Canceled

21. ADJOURNMENT: 10:15 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard
Date: 4/12/02

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